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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,261	01/29/2001	Gordon James Smith	ROC920000268US1	8891

7590 04/21/2005  
Robert R Williams, Patent Agent  
IBM Corporation - Department 917  
3605 Highway 52 North  
Rochester, MN 55901-7829

EXAMINER

NELSON, FREDA ANN

ART UNIT PAPER NUMBER

3639

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/772,261

Applicant(s)

SMITH, GORDON JAMES

Examiner

Freda Nelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is in response to a communication filed February 23, 2005 wherein:

The applicant has amended claims 1, 8 and 14;

No claims have been added; and

Claims 1-17 are pending.

#### ***Response to Amendment and Arguments***

1. Applicant's arguments filed 02/23/2005 have been fully considered but they are not persuasive. The applicant argues that "selling tangible merchandise" having a "per-unit" is neither taught nor suggested by the examiner's cited art. However, the added material "pricing or purchasing tangible merchandise" having a "per-unit price" is not supported by the applicant's original disclosure.
2. The amendment filed 02/23/2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "purchasing tangible merchandise" at a first "per-unit" price.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Among et al. (US PG Pub 2003/0110063).
4. In claims 1 and 4-5, Among et al. disclose that once the buyer has agreed to purchase the final option, the buyer inputs 501 the name, billing address, company name, phone contact and e-mail address of the person that is traveling and is the credit card holder; and once the "continue" button is clicked, the buyer is prompted for additional information to complete the reservation. For example, the names of any additional travelers and/or frequent flyers number information may be input 505 (paragraph 0047). Among et al. disclose that once the buyer has provided parameter information for the selected components of a tour package, a click on the "price this itinerary" button will take all variables into consideration and return with a selection of the lowest price options that may interest the buyer, 314 (paragraph 0044). Among et al still further disclose that the flexibility and the ease with which the different suboptions may be combined, priced and recombined in the different options and then re-priced online via a

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network connection, is an advantage of the present invention (paragraph 0044). Although Among et al. disclose that once the "continue" button is clicked, the buyer is prompted for additional information to complete the reservation. For example, the names of any additional travelers and/or frequent flyers number information may be input 505 (paragraph 0044). Among et al. is silent about calculating a second merchandise price based upon a quantity of said any users indicated in step (b). However, this feature is deemed to be inherent to the Among et al. system because as paragraph 0044 shows that once the buyer has provided parameter information (additional travelers) for the selected components of a tour package, a click on the "price this itinerary" button will take all variables into consideration and return with a selection of the lowest price options that may interest the buyer, 314 wherein suboptions may be combined, priced and recombined in the different options and then re-priced online via a network connection. The Among et al. system would be deemed inoperative if the system could not calculate (or re-price) the different travel options.

5. In claim 7, Among et al. disclose a method and system for managing a tour product purchase and more specifically, for permitting vendors to directly manage tour product inventory and in real-time (paragraph 0003). Among et al. further disclose a method and apparatus that allows a vendor to instantly confirm and manage inventory for all selected suboptions of any components sold by the vendor, which enables a quick and easy electronically ticketed transaction (paragraph 0013).

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6. Claims 2-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Among et al. (US PG Pub 2003/0110063) in view of Pugliese, III et al. (US PG Pub 2001/0016825).

7. In claims 2, Among et al. does not disclose that step (a) requires the purchaser to enter information with a data storage device. Pugliese, III et al. disclose that upon the first, initial reservation, the passenger is issued a plastic identification card which carries a unique card number (paragraph 0012). Pugliese, III et al. further disclose that at the machine, the passenger passes or swipes the identification card through a magnetic card reader attached to the special ATM. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Among et al. to include data storage device (plastic I.D. card) of Pugliese, III et al. in order to provide the convenience of not having to physically input personal data each time a purchase is made.

8. In claims 3 and 6, Pugliese, III et al. disclose that upon the first, initial reservation, the passenger is issued a plastic identification card which carries a unique card number (paragraph 0012). Pugliese, III, et al. disclose that on the basis of the received passenger I.D. number, which is stored on the card, the central computer will send to the remote terminal information which identifies the flight number and flight destination along with a verification of the passenger identification, which will then be verified with the picture ID presented by the passengers and accompanying adult passengers (paragraph 0013).

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9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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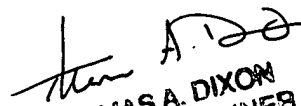
**Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Freda Nelson  
Examiner  
Art Unit 3629

  
THOMAS A. DIXON  
PRIMARY EXAMINER